

AMENDED IN SENATE MAY 20, 2003
AMENDED IN SENATE MARCH 25, 2003
AMENDED IN SENATE MARCH 17, 2003

SENATE BILL

No. 89

Introduced by Senators Alpert, Battin, Ducheny, Figueroa, Karnette, Kuehl, Margett, Oller, Perata, Romero, Scott, Sher, Speier, Torlakson, and Vincent
(Principal coauthor: Assembly Member Koretz)

January 27, 2003

An act to add Chapter 2.5 (commencing with Section 2220) to Division 3 of the Fish and Game Code, relating to wild animals, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 89, as amended, Alpert. Wild animals: domestic ferrets.

(1) Existing law prohibits the importation, transportation, possession, or release into this state of certain wild animals, including ferrets, without a permit issued by the Department of Fish and Game. The existing California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on any project that it proposes to carry out or approve that may have a significant effect on the environment. CEQA provides that the purpose of an EIR is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment, to list the ways in which the significant effects of a project might be minimized, and to indicate alternatives.

This bill would, notwithstanding any other provision of law, require the department to issue a license to any person who owns a domestic ferret on the mainland of the State of California, if the owner of the ferret is able to produce a license from the county in which the owner resides, if that county elects to license ferrets, documentation from a licensed veterinarian that the ferret has been vaccinated against rabies, and a certificate of spay or neuter issued by a licensed veterinarian. That provision would be repealed as of July 30, 2004, unless a later enacted statute deletes or extends that date.

The bill would require the department, on or before July 31, 2005, to complete an EIR that fulfills the requirements of CEQA regarding the effect of domestic ferret ownership on the environment in the state, to provide a copy of the final EIR and any related findings to the Legislature and the commission, and to make those documents available to the public. The bill would require the department to make the final EIR and any related findings available on its Web site.

The bill would require the department, as soon as practicable, to adopt regulations requiring each person that applies for a license to own a ferret in the state to pay a fee in an amount the department determines will cover the costs incurred by the department in preparing the EIR. The bill would require the revenues derived from those fees to be deposited in the General Fund, and upon appropriation by the Legislature, to be used by the department to fund the costs of the EIR *and other provisions of the bill*.

The bill would require the commission, on or before October 2005, to hold a hearing to determine whether to remove the ferret from the list of prohibited species for the mainland of the State of California. The bill would require the commission to take into account any testimony submitted in the hearing, and the contents of the EIR.

~~The bill would prohibit the department and the commission, commencing January 1, 2004, and notwithstanding any other provision of law, from enforcing any statute or regulation relating to domestic ferrets on any person owning a ferret that prohibits ferret ownership prior to the commission determining whether to remove the ferret from the list of prohibited species, and if the commission determines not to remove the ferret from that list, from enforcing any statute or regulation relating to domestic ferrets if the ferret owner can provide documentation of the licensing, vaccination, and spay or neuter of the ferret. The bill would prohibit any ferret from being sold in a pet store by any person or entity. Because a violation of the Fish and Game Code~~



is a misdemeanor, the bill would impose a state-mandated local program.

(2) Existing law continuously appropriates money in the Fish and Game Preservation Fund to the commission and the department to pay all necessary expenses incurred in carrying out any law for the protection and preservation of birds, mammals, reptiles, and fish.

By imposing new duties on the commission and the department, this bill would make an appropriation.

(3) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 2.5 (commencing with Section 2220) is
2 added to Division 3 of the Fish and Game Code, to read:

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CHAPTER 2.5. DOMESTIC FERRETS

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2220. (a) Notwithstanding any other provision of law, the department shall issue a license to any person who owns a domestic ferret (*Mustela furo*) on the mainland of the State of California, if the owner of the ferret is able to produce all of the following with respect to that ferret:

~~(a)~~

(1) A license from the county in which the owner resides, if that county elects to license ferrets.

~~(b)~~

(2) Documentation from a licensed veterinarian that the ferret has been vaccinated against rabies with a vaccine approved for use in ferrets by the United States Department of Agriculture and administered in accordance with the recommendations of the vaccine manufacturer.

~~(c)~~

1 (3) A certificate of spay or neuter issued by a licensed
2 veterinarian.

3 ~~(d) A person who meets the requirements of this section and~~
4 ~~receives a license from the department to own a ferret is deemed~~
5 ~~to own the ferret legally, notwithstanding any other provision of~~
6 ~~law or future decision by the Fish and Game Commission.~~

7 ~~(e)~~

8 *(b) No ferret may be sold by any person or entity.*

9 (c) This section shall remain in effect only until July 30, 2004,
10 and as of that date is repealed unless a later enacted statute that is
11 enacted before July 30, 2004, deletes or extends that date.

12 2221. (a) On or before July 31, 2005, the department shall do
13 all of the following:

14 (1) Complete an environmental impact report that fulfills the
15 requirements of the California Environmental Quality Act
16 (Division 13 (commencing with Section 21000) of the Public
17 Resources Code) regarding the effect of domestic ferret ownership
18 on the environment in the state.

19 (2) Provide a copy of the final environmental impact report and
20 any related findings to the Legislature and the commission, and
21 make those documents available to the public.

22 (b) No ferret may be released into the wild as a part of the
23 environmental impact report required by this section.

24 (c) Upon completion of the final environmental impact report,
25 the department shall make that report, and any related findings,
26 available to the public on its Web site.

27 (d) The department shall enter into an agreement with the
28 National Academy of Sciences, the University of California, the
29 California State University, or any similar scientific institution of
30 higher learning, or any combination of those entities, to assist it in
31 obtaining scientific data to be included in the environmental
32 impact report.

33 2222. (a) As soon as practicable, the department shall adopt
34 regulations establishing a licensing program for domestic ferret
35 ownership that requires each person who applies for a license to
36 own a ferret in the state to pay a fee in an amount the department
37 determines will cumulatively cover the costs incurred by the
38 department in preparing the environmental impact report required
39 in Section 2221.

(b) Revenues derived from the ferret licensing fees shall be deposited in the General Fund, and upon appropriation by the Legislature, shall be used by the department to fund the costs of the environmental impact report required by Section 2221, *and the development of regulations or other activities associated with the licensing and regulation of ferrets pursuant to this chapter.*

2223. On or before October 2005, the commission shall hold a hearing to determine whether to remove the ferret from the list of prohibited species for the mainland of the State of California. The commission shall take into account any testimony submitted in the hearing, and the environmental impact report, if any, prepared pursuant to Section 2221.

~~2224. Notwithstanding any other provision of law, commencing January 1, 2004, neither the department nor the commission may enforce any statute or regulation relating to domestic ferrets in either of the following circumstances:~~

~~(a) Prior to the commission determining whether to remove the ferret from the list of prohibited species pursuant to Section 2223, upon any person owning a ferret.~~

~~(b) If the commission determines not to remove the ferret from the list of prohibited species pursuant to Section 2223, upon any person owning a ferret that meets all of the conditions described in subdivisions (a) to (d), inclusive, of Section 2220.~~

~~2225. No ferret may be sold in a pet store.~~

2224. A person who meets the requirements of Section 2220 and who receives a license from the department to own a ferret is deemed to own the ferret legally, notwithstanding any other provision of law or future decision by the Fish and Game Commission.

2225. Prior to holding the hearing prescribed in Section 2223 and making a determination about whether to remove the ferret from the list of prohibited species, the department shall not enforce any statute or regulation that prohibits ferret ownership, however it may take action against a ferret owner if a ferret creates a threat to public health or safety.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty

1 *for a crime or infraction, within the meaning of Section 17556 of*
2 *the Government Code, or changes the definition of a crime within*
3 *the meaning of Section 6 of Article XIII B of the California*
4 *Constitution.*

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